

## **DEFENDANT AT&T'S PROPOSED JURY VERDICT FORM**

### **COUNT I**

#### **For Violation of the Federal Communications Act, 47 U.S.C. §222**

**1. Did AT&T, acting through its officers, agents or other person acting for or employed by AT&T, violate the Federal Communications Act, 47 U.S.C. §222, by failing to protect the confidentiality of Plaintiff Jason Williams' Customer Proprietary Network Information?**

**You must unanimously agree:**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If your unanimous answer is No, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you unanimously answered yes to question 1 above, answer question 2.**

**2. Did the Plaintiff, Jason Williams, sustain any damages as a consequence of AT&T's violation of the Federal Communications Act, 47 USC §222, identified in your response to question 1?**

**You must unanimously agree:**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If you unanimously answered No to question 2 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you unanimously answered Yes to question 2 above, you will determine the amount of damages to be awarded in the Damages section at the end of this verdict form.**

**I attest that this is the Jury's unanimous and true verdict for Count I.**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Presiding Juror**

## COUNT II

### For Violation of North Carolina's General Statutes §75-1.1

- 1. Did AT&T, acting through its managing agents, officers or directors make a material misrepresentation or omission concerning its sale of access to or its safeguarding of Plaintiff Jason Williams' Customer Proprietary Network Information to Plaintiff Jason Williams?**

**You must unanimously agree:**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If your answer is No, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you answered yes to question 1 above, answer question 2.**

- 2. Was AT&T's material misrepresentation or omission the proximate cause of injury to Plaintiff Jason Williams?**

**You must unanimously agree:**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If you answered No to question 2 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you answered Yes to question 2 above, you will determine the amount of damages to be awarded in the Damages section at the end of this verdict form.**

**I attest that this is the Jury's unanimous and true verdict for Count II.**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Presiding Juror**

## COUNT III

### For Negligence

**1. Did AT&T breach a duty of care it owed to Plaintiff Jason Williams to safeguard his AT&T account data, including his Customer Proprietary Network Information ?**

Yes \_\_\_\_\_ or No \_\_\_\_\_

If your answer is No, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.

If you answered yes to question 1 above, answer question 2.

**2. Did the plaintiff, Jason Williams, sustain any damages proximately caused by AT&T's breach of its duty of care?**

You must unanimously agree:

Yes \_\_\_\_\_ or No \_\_\_\_\_

If you answered No to question 2 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.

If you answered Yes to question 2 above, you will determine the amount of damages to be awarded in the Damages section at the end of this verdict form.

**I attest that this is the Jury's unanimous and true verdict for Count III**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Presiding Juror**

**Count IV**  
**Negligent Supervision**

**1. Was AT&T negligent in hiring, supervising or retaining any employee that used, disclosed or accessed Plaintiff Jason Williams' AT&T Customer Proprietary Network Information without lawful purpose?**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If your answer is No, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you answered yes to question 1 above, answer question 2.**

**2. Was AT&T's negligence in hiring, supervising or retaining the employee(s) the substantial factor in causing Plaintiff Jason Williams harm?**

**You must unanimously agree:**

**Yes \_\_\_\_\_ or No \_\_\_\_\_**

**If you answered No to question 2 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you answered Yes to question 2 above, you will determine the amount of damages to be awarded in the Damages section at the end of this verdict form.**

**I attest that this is the Jury's unanimous and true verdict for Count IV.**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Presiding Juror**

## COUNT V

**For violation of North Carolina's General Statutes Criminal Law § 14-458 for Computer Trespass.**

- 1. Did AT&T, acting through its managing agents, officers or directors, use a computer or computer network without authority and with the intent to do any of the following:**
  - (1) Temporarily or permanently remove, halt, or otherwise disable any computer data, computer programs, or computer software from a computer or computer network.**
  - (2) Cause a computer to malfunction, regardless of how long the malfunction persists.**
  - (3) Alter or erase any computer data, computer programs, or computer software.**
  - (4) Cause physical injury to the property of another.**
  - (5) Make or cause to be made an unauthorized copy, in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network.**
  - (6) Falsely identify with the intent to deceive or defraud the recipient or forge commercial electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk commercial electronic mail through or into the computer network of an electronic mail service provider or its subscribers.**

**You must unanimously agree:**

Yes \_\_\_\_\_ or No \_\_\_\_\_

If your answer is No, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.

If you answered yes to question 1 above, answer question 2.

**2. Did the plaintiff, Jason Williams, sustain any injury to his person or property by reason of a computer trespass by AT&T, acting through its managing agents, officers and directors?**

**You must unanimously agree:**

Yes \_\_\_\_\_ or No \_\_\_\_\_

If you answered No to question 2 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.

If you answered Yes to question 2 above, answer question 3.

**3. Do you award any damages to Jason Williams for the injury to his person or property as a legal and proximate cause of AT&T's computer trespass?**

**You must unanimously agree:**

Yes \_\_\_\_\_ or No \_\_\_\_\_

**If you answered No to question 3 above, stop here and do not answer the remaining questions for this Count and have the Presiding Juror sign and date below.**

**If you answered Yes to question 3 above, you will determine the amount of damages to be awarded in the Damages section at the end of this verdict form.**

**I attest that this is the Jury's unanimous and true verdict for Count V.**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_  
**Presiding Juror**

## DAMAGES

If you found AT&T liable for damages to Plaintiff Jason Williams on any of Counts I to V, please answer the following questions:

**1. What are Plaintiff Jason Williams' damages?**

You must unanimously agree:

Economic damages: \$ \_\_\_\_\_

Non-Economic damages \$ \_\_\_\_\_

**2. In the amounts listed above, did you award Plaintiff Jason Williams any damages for losses incurred by Apollo Kids Mining LLC?**

You must unanimously agree:

Yes \_\_\_\_\_ or No \_\_\_\_\_

If you answered Yes to question 2, answer question 3. If you answered No to question 2, do not answer the remaining question and have the Presiding Juror date and sign below.

**3. What amount of the damages listed above were for losses incurred by Apollo Kids Mining LLC?**

You must unanimously agree:

Economic damages: \$ \_\_\_\_\_

Non-Economic damages \$ \_\_\_\_\_

**I attest that this is the Jury's unanimous and true verdict for Damages.**

**Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Presiding Juror**